

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN RODNEY VEACH,

Petitioner,

vs.

JUDGE T R SNIEZEK,

Respondent.

Case No.: 3:11-cv-00575-DRH-PMF

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is petitioner John Rodney Veach's Section 2241 petition for a writ of habeas corpus (Doc. 1). Respondent Judge T R Sniezek has filed a motion to dismiss (Doc. 14) the writ, and the petitioner has filed a reply (Doc. 15) to that response.

The parties agree that venue is proper elsewhere. *See* Docs. 14 at 2 ¶ 4, 15 at 3. The undersigned agrees. *See, e.g., Wyatt v. U.S.*, 574 F.3d 455, 460 (7th Cir. 2009) ("And under § 2241(a), no district within the Seventh Circuit may consider [the § 2241] petition because the proper venue for filing a § 2241 petition is the district in which the prisoner is confined.") (citations omitted). A habeas petition filed in the wrong place may be dismissed or transferred to the court in which it could have been brought at the time it was filed. *See* 28 U.S.C. § 1631. Veach is presently incarcerated at the Federal Correctional Institution - Schuylkill in Minersville, Pennsylvania ("FCI-Schuylkill"), which is located in Schuylkill County and the Middle District of Pennsylvania. That court has jurisdiction to evaluate the petition and to award habeas relief, if appropriate. The case has progressed beyond preliminary review, and most of the arguments raised have been briefed. Hence, the interests of justice warrant a transfer to the appropriate district.

Accordingly, it is recommended that this action be transferred pursuant to 28 U.S.C. § 1631 to the United States District Court for the Middle District of Pennsylvania for further proceedings.

SO RECOMMENDED.

DATED: April 6, 2012.

/s/ Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE